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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,279	07/02/2001	Wiland Von Wendorff	J&R-0680	2028
24131	7590	11/10/2005	EXAMINER	
LERNER AND GREENBERG, PA			KIM, KEVIN	
P O BOX 2480			ART UNIT	
HOLLYWOOD, FL 33022-2480			PAPER NUMBER	
			2638	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

ABW

<b>Office Action Summary</b>	<b>Application No.</b> 09/897,279	<b>Applicant(s)</b> WENDORFF, WILAND VON	
	<b>Examiner</b> Kevin Y. Kim	<b>Art Unit</b> 2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,9-11 and 14 is/are rejected.
- 7) ☒ Claim(s) 2,5-8,12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**,ETAILED ACTION**

***Response to Arguments***

1. The indicated allowability of claim 4 (now cancelled and incorporated into claim 1) is withdrawn in view of the newly discovered reference(s) to determining the duration of a synchronization signal. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Messenger et al (US 5,206,881).

Claims 1 and 11.

Messenger et al disclose a synchronous network (see Fig.1), comprising;  
nodes (base stations and polled stations),

a plurality of the nodes generating a synchronization signal, see col. 6, lines 54-56,  
wherein the duration (i.e., length) of the synchronization signal is greater than a  
maximum signal transit time (i.e., transmission delay) occurring inside the network.

Note that the transmission delay has a maximum of 0.5 microseconds or 5 chips in one  
embodiment and the synchronization signal comprises a plurality of bits wherein a bit  
corresponds to a plurality of chips.

Claims 9,10.

Fig.1 shows that the sync signal is "in a specific time slot of a time slot cycle used."

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Messenger et al, as applied to claim 1 above, in view of Dillon et al (US 5,463,646)

Messenger et al disclose all the subject matter claimed except for a specific encoding scheme for the synchronization signal. However, the NRZ coding, XERXES coding and Manchester coding are well known in the art for transmitting digital bits, as evidenced by a patent to Dillon et al (see col. 5, lines 28-29) and thus would have been obvious matter of design choice to one skilled in the art at the time the invention was made, lacking criticality.

6. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Samoylenko (US 5,576,702).

Samoylenko discloses a synchronous network (see Fig.2C), comprising

Nodes transmitting data to one another and outputting a synchronization signal, see col. 8, lines 3-5, and

Each node transmitting a synch signal waits for a predetermined amount of time if another is found as transmitting before outputting its own synch signal. See col. 8, lines 61-65.

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*Allowable Subject Matter*

7. Claims 2,5-8,12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KEVIN KIM  
PATENT EXAMINER